

**PLANNING AND ZONING COMMISSION
MINUTES
SPECIAL MEETING
SEPTEMBER 29, 2015**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, DiDonna, Olvany, Sini, Jr., Voigt (arrived at 8:25 P.M.)

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

GENERAL MEETING

Town Plan of Conservation & Development

Booklet 5b—Possible Strategies—Enhance Downtown

Booklet 5c—Possible Strategies—Transform Noroton Heights

Glenn Chalder said that it was important that the Planning & Zoning Commission begin the discussion regarding the enhancement of the downtown and the Noroton Heights areas. He said that the next planning discussion meeting will be on October 13, 2015 and then possibly a special meeting in December. He hopes to have the first draft of the Town Plan prepared within the next few months so that the Commission can have adequate time to discuss that draft. Hopefully the final draft will be available for presentation at public hearings in the spring of 2016. The goal is to adopt the new Plan in early June 2016.

Mr. Chalder said that he spent considerable time reviewing previous Plans and the 2006 DIR Report concerning the downtown area. Mr. Sini said that he and most people in the community see Darien as a small, quaint New England town with a modest business area. It is not like some of the communities in Westchester County that are much more intensely developed. Mr. Chalder said that one of the provisions of the State Statutes is a special village district that allows for special controls to maintain the small town character. He said that surface parking seems to be at its limit in the downtown area and there has been some consideration of installation of parking structures. In the discussion that followed, Ms. Cameron said that having more parking leads to concerns about traffic and safety. Mr. Olvany said there is considerable importance on maintaining the character of Darien and that includes the downtown area. Two and three story buildings are okay but he believes there are problems with taller buildings.

Mr. Chalder said that the current Regulations require approximately 6.6 parking spaces per 1,000 square feet of retail floor area. This seems to be very high compared to other business areas in other communities and he wondered if the Commission would consider reducing that ratio. It was noted that management of parking spaces can be as important as the number of parking spaces. Mr. Chalder said that there are a number of tools that can be provided so that property owners will have options of how to provide parking spaces to accompany their development. Mr. Chalder said that he understands that one of the Commission's main points in the past has been to avoid the expansion of the Business

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Zones into nearby residential areas. He said that one of the things that has been noted in the past has been the installation of a number of small side streets that would be parallel to the Boston Post Road and that would connect to each other. He said that his experience indicates that business streets with no on-street parking are not inviting or productive business areas but there are a number of ways that parking can be provided, either parallel or diagonal or pull in or back in on street parking spaces.

Mr. Chalder reviewed the portion of the booklet regarding the scale of the street, the sidewalk and the building and the relation of each of those factors. One of the questions is that if the parking and traffic are dealt with, is more development in the downtown area acceptable?

With respect to the Noroton Heights area, Mr. Chalder said that the Designed Commercial Zone did exactly what it was intended to do. It created 1960s style strip developments with an industrial feel and a heavy orientation toward automobile access and utilization. He asked if the Commission wants to react to changes in the future or if they want to prescribe how those changes can be implemented and accommodated. He said that the Noroton Heights Train Station design needs improvement but we are all used to the way it is and therefore we don't see the need for change or the possible improvements that can be made. One improvement might be to relocate the station building to be across from Edgerton Street and have it a multi-use structure. It could then be a focus of the village center and compliment the nearby business and residential neighborhoods. Several possible scenarios of expansion of the parking areas at the Noroton Heights Train Station were discussed. They include surface level parking, a two layer parking structure or a four layer parking structure.

Another issue that was discussed was the fact that Heights Road has one side devoted exclusively to the train station parking and the other side is commercially developed. It might be possible to develop the south side of the street (adjacent to the railroad tracks) for commercial uses as well.

Commission members talked about the need to enhance the pedestrian friendliness of the area and this would include special sidewalks, maybe not exactly the same as the downtown sidewalks but still a special sidewalk. Other possible strategies were discussed. Mr. Chalder asked the Commission if they wanted to consider amending the required size of parking spaces. At present, Darien requires a 9 foot wide, 20 foot deep parking space with a 24 foot backing up area. He said that reducing the depth of the parking space to only 18 feet would provide a 10% savings of the amount of impervious area.

Mr. Olvany asked if it was possible to implement traffic calming strategies so that people could still drive on the streets but these streets would be more pedestrian friendly. Mr. Chalder said that the perception of the street and surroundings in the area is very important. At present, the appearance is the impression that it is a strip shopping center or a series of strip shopping centers. He said adding more development could result in more of the same character or could create a better, more village-like concept.

The next discussion regarding the Town Plan of Conservation and Development will be on October 13, 2015.

At 9:30 P.M., the Commissioners took a five minutes break and when the meeting resumed at 9:35, Chairman Cameron read the following agenda item:

Discussion, deliberation and possible decision the following:

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Land Filling & Regrading Application #362, Evan Saucedo, 1 Fairmead Road. Proposing to regrade for the construction of a new driveway and associated retaining walls, and to perform related site development activities.

The following motion was made: That the Planning & Zoning Commission waive the process of reading the draft resolution aloud because each member has had an opportunity to review the draft prior to the meeting. The motion was made by Mr. DiDonna, seconded by Mr. Olvany and unanimously approved.

After a brief discussion, the following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. DiDonna, seconded by Mr. Sini and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 29, 2015**

Application Number: Land Filling & Regrading Application #362

Street Address: 1 Fairmead Road
Assessor's Map #35 Lot #31 & #32

| | |
|--|---|
| Name and Address of Property Owner: | Evan Saucedo 1 Fairmead Road Darien, CT 06820 |
|--|---|

| | |
|--|--|
| Name and Address of Applicant & Applicant's Representative: | Scott Farquharson 69 Central Avenue Wilton, CT 06716 |
|--|--|

Activity Being Applied For: Proposing to regrade for the construction of a new driveway and associated retaining walls, and to perform related site development activities.

Property Location: The subject property is situated on the west side of Fairmead Road, at the southwest corner formed by its intersection with Old King's Highway North.

Zone: R-1/2

Date of Public Hearing: September 15, 2015

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices
Dates: September 4 & 11, 2015

Newspaper: Darien News

Date of Action: September 29, 2015

Action: APPROVED WITH CONDITIONS

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Scheduled Date of Publication of Action:
October 9, 2015

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's engineer, whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to regrade for the construction of a new driveway and associated retaining walls, and to perform related site development activities. This work is related to the proposed addition to the existing residence, which includes a side-facing garage.
2. The curb cut of the driveway will not change from its existing location. The project has been designed to minimize the slope of the driveway.
3. At the public hearing, the applicant's engineer, John Martucci explained the proposal for the regrading, driveway and associated retaining walls. He said that stormwater management, in the form of Cultec units in the southeast corner of the property, has been incorporated into the application, and is shown on the submitted Site Plan. These Cultec units will bring the peak rate of runoff to be at or below the existing conditions.
4. A stone masonry wall a maximum of three feet high is proposed along the south property line. At the public hearing, it was noted that a 24 foot backup width between the garage and the edge of the wall needs to be established in order to comply with Section 226 of the Darien Zoning Regulations. In response to questions from the neighboring property owner, it was stated that the existing fence on or near that property line would be removed and then reinstalled on top of the new retaining wall.
5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
6. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

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NOW THEREFORE BE IT RESOLVED that Land Filling & Regrading Application #362 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

A. Filling, excavation, regrading work, and associated retaining walls shall be in accordance with the plans submitted to and reviewed by the Commission entitled:

- Site Plan prepared for Evan Saucedo, #1 Fairmead Road, Darien, Connecticut, by LBM Engineering, LLC, scale 1"=20', last revised 08/01/2015.
- Saucedo Residence 1 Fairmead Road, by Arpita Muchhal Design, Sheets A1.01 through A4.00.

The following plan is NOT approved, since it reflects a previous version of the plans, which includes a different driveway location:

- Zoning Location Survey from William W. Seymour & Associates, last revised June 24, 2015.

The plans to be submitted for Zoning and Building Permits shall clarify the proposed width of the retaining wall along the south property line as well as the backout dimension from the garage, so that the zoning officer can ascertain that the proposal complies with the zoning regulations.

B. The proposed retaining wall is shown on the plans as a maximum of three feet high. The existing fence along the property line, if placed atop the retaining wall, shall be a total of no more than six feet high when measured from the low side of the wall.

C. Because of the minor nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.

D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the "Site Plan" by LBM Engineering, LLC, in Condition A, above, which include a silt fence and anti-tracking pad. **The silt fence shall be placed along the east property line, rather than adjacent to Fairmead Road.** Additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

E. The existing picket fence appears to be within the street right of way, being approximately four feet of the paved travel portion of Fairmead Road. It shall be relocated to be outside of the street right of way, either on the subject property or on the property line. Relocating the picket fence may provide for contractor parking off of Fairmead Road. This fence shall be relocated prior to the issuance of a Certificate of Occupancy for the addition to the residence.

F. When the Zoning Permit application for the addition of the building is submitted, a drainage maintenance plan for the proposed Cultec units shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Darien Land Records or with the Planning and Zoning Commission file on this matter. The maintenance plan shall

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require the property owner and all subsequent property owners of 1 Fairmead Road to maintain the drainage facilities per the maintenance plan.

- G. A related "Notice of Drainage Maintenance Plan" shall be filed in the Darien Land Records within the next 60 days of this approval and prior to any on-site filling or regrading work and prior to the issuance of a Zoning and Building Permit for the house addition.
- H. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. It is critical that commencing immediately and throughout the development of the site, even before the final drainage system is installed, the applicant must properly manage storm water runoff to avoid negative impacts to the neighbors and/or the street.
- I. Prior to the request for the Certificate of Occupancy for the addition to the residence, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading of the driveway and in the yard have been completed in compliance with the approved plans referred to in Condition A, above.
- J. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- K. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- L. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 29, 2016). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan, as required to be modified herein, shall be binding conditions of this action and such approval shall become final upon compliance with these conditions and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days and prior to the issuance of Zoning and Building Permits for the house addition in order to finalize this approval.

Chairman Cameron then read the following agenda item:

Approval of Minutes

September 8, 2015 General Meeting

Several minor changes and corrections were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission approve the corrected minutes. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

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Chairman Cameron opened the public hearing and read the following agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Proposed Amendment to the Darien Zoning Map (COZM #1-2015), Special Permit Application #246-C/Site Plan #251-C, Land Filling & Regrading Application #184-C/lot line adjustment, Sun Homes Darien, LLC, 36, 42 (formerly 0), and 48 Wakemore Street (Kensett II). Proposing to: establish the Designed Community Residential (DCR) overlay zone on parcels totaling approximately 2.49+/- acres; and raze the existing three structures on those properties and constructing ten new structures containing fourteen market rate units and three off-site below market-rate units at 269 Hoyt Street (two of which will be age-restricted); combine the three Wakemore Street parcels with Kensett I; and perform related site development activities. The subject properties are located on the north side of Wakemore Street approximately 1,025 feet east of its intersection with Hoyt Street, and are shown on Assessor's Map #8 as Lots #226/227 (36 Wakemore Street), #228/229 (42 Wakemore Street), and #230 (48 Wakemore Street), now in the R-1/3 Zone.

PUBLIC HEARING OPENED 9/15/2015. DEADLINE TO CLOSE PUBLIC HEARING IS: 10/20/2015 UNLESS EXTENSION IS GRANTED BY APPLICANT.

Attorney Bruce Hill represented the applicant and noted that a revised site plan and architectural plans had been submitted and distributed to the Commission members last Friday. He said that responses had been prepared for all the engineering and drainage issues and all have been resolved. With respect to the questions regarding the property taxes, he said that the current property taxes on the 2.5 acres of land and the structures is approximately \$11, 863. He said the typical unit in Kensett pays \$16,000 in taxes. If 14 news units are created, the increase in tax revenue will be more than \$200,000.

Bill McGuinness reviewed the revised site plan to note that two additional on-site parking stalls had been created near the 14 proposed new units. He also said that the size of the bus shelter has been increased and side walls can be added if desired. In response to a question, he said that the property on the north side of Wakemore Street at 277 Hoyt Street, is currently vacant, and any development will require separate permits and approvals from the Town. In response to questions, he said that the property at 269 Hoyt Street (on the south side of Wakemore Street) which is currently a three family house and will converted to affordable housing, will be rented and will not be sold. Ms. Cameron said that she recommends that these affordable units not be age restricted. All the other Commission members concurred.

Bob Dale said that there had been concerns by other residents about children playing in Kensett Lane and the use of bicycles in that area. The Home Owners Association board has met and they are considering trying to create a place for kids to congregate on site so that they would not play in the street. He said that they are also in the process of discussing with the school district the possibility of having a school bus go through the site. They are in the early stages of that discussion. Ms. Cameron said that she is very concerned about children playing on the site and does not want to have any of the wetland area changed or used as play area. She said that the entire development was based on an age targeted clientele and she does not want to have any playground created on the site, nor does she want to have a bike trail through the wetlands. Attorney Hill said

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that if the homeowners association wants to change any aspects of the site development, they would need to come back to the Planning & Zoning Commission.

Mr. Ginsberg said that the proposed amendment to the Zoning Map was referred to the Western Connecticut Council of Governments. The staff comment was read aloud. They indicated no concern. He said that the proposal was also referred to the Connecticut Department of Energy & Environmental Protection. They indicated that there were no impacts on the Coastal Area Management Regulations. Mr. Ginsberg said that the Environmental Protection Commission (EPC) had approved the previous redevelopment of the area in question and since this project is very similar, the EPC did not need to take any further action.

There were no comments from the public regarding the pending application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

Chairman Cameron then read the following agenda item:

Proposed Amendments to Darien Zoning Regulations put forth by Gleason & Associates, LLC on behalf of BMW of Darien (COZR #3-2015). Proposal to amend Sections 210, 665, and 666 of the Darien Zoning Regulations as follows: to establish a definition of a Parking Device in Section 210; to allow Parking Devices as an Accessory Use Requiring a Special Permit in the Service Business (SB) Zone in Section 665; and to specifically exempt Parking Devices from Building Coverage and Minimum Yard Requirements in Section 666.

Chairman Cameron announced that the hearing regarding this application was opened and immediately continued to October 20, 2015 at 8 P.M. in Room 119 of Town Hall. She then read the following agenda item:

Business Site Plan #194-G/Special Permit, BMW of Darien, 136-138 Ledge Road. Proposal to allow installation of ninety parking devices at its 140 Ledge Road site and perform related site activities. The subject property is located on the north side of Ledge Road, approximately 450 feet west of its intersection of Boston Post Road, and is shown on Assessor's Map #39 as Lots #21E and #22 in the Service Business (SB) Zone.

Chairman Cameron announced that the hearing regarding this application was opened and immediately continued to October 20, 2015 at 8 P.M. in Room 119 of Town Hall. She then read the following agenda item:

THE FOLLOWING AGENDA ITEM WILL BE OPENED AND IMMEDIATELY CONTINUED TO OCTOBER 20, 2015:

Proposed Amendments to the Darien Zoning Regulations put forth by the Darien Planning & Zoning Commission (COZR #2-2015). Proposing to amend the Darien Zoning Regulations as follows:

1. Defining Building Coverage (Sections 210 and 223) relative to elevated patios, HVAC units, generators, fuel tanks, and pool equipment.

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2. Modifying how side lot lines are defined where there is a small jog in the line (Section 210).
3. Modify Section 230 to allow Monument Signs and Modify Sections 925.1 and 926.3 to allow such signs in certain non-residential zones (the OB, DOR-1, DOR-5, SB and SB-E Zones).
4. Modify Section 334 and 385 to eliminate the need for Lot Width variances to redevelop on building lots which have at least 50% of the required Lot Width and Depth.
5. Modify Section 371—Height of Buildings or Structures (clarify Building Height relative to cupolas and mechanical equipment.)
6. Modify Section 384—Non Conformity, Other Than Use to clarify the existing Regulation.
7. Modify Section 406 #7—Eliminate the Total of Two side yards requirement which now affects the R-1/3 and R-1/5 Zones.
8. Modify Section 406f regarding detached accessory structures, to not allow finished space in detached accessory structures which do not meet the principal setbacks.
9. Modify Section 575 Area and Bulk Requirements DCR Zone to clarify what counts towards floor area.
10. Modify Inclusionary Zoning Regulations (Sections 583, 588a through 588e) to require that all below market rate units be changed to be affordable to those with an income equal to or less than 80% of State Median Income (SMI). Include updated SMI data and calculations.
11. Modify Section 572 to refer to the DMR Zone, when it should refer to the DCR Zone.
12. Modify Section 577 to reference signs allowed in the DCR zone.
13. Modify Section 625 Item 15 to be Maximum Average Floor Area of All Dwelling Units.
14. Modify Section 873. (Eligibility for Certification) to reflect updated report name and date.

Chairman Cameron announced that the hearing regarding the proposed amendments was opened and immediately continued to October 20, 2015 at 8 P.M. in Room 119 of Town Hall.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. DiDonna, seconded by Mr. Olvany and unanimously approved. The meeting was adjourned at 10:06 P.M

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director